

ID# E-A3GLM4E2-XMT
FILED IN OFFICE
CLERK OF STATE COURT
COBB COUNTY, GEORGIA
22-A-842

MAR 10, 2022 11:38 AM

Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

LISETTE BARTON,

Plaintiff,

v.

MARRIOTT INTERNATIONAL, INC.
d/b/a RENAISSANCE ATLANTA
WAVERLY HOTEL & CONVENTION
CENTER,

Defendants.

CIVIL ACTION CASE NO.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff Lisette Barton, by and through undersigned counsel, and files this
Complaint against Defendant, showing the Court as follows:

THE PARTIES

1.

Plaintiff submits herself to the jurisdiction and venue of this Court.

2.

Defendant Marriott International Inc. is an international hotelier with principal offices in
Bethesda, MD. Defendant's registered agent CT Corporation System can be served at 289 S.
Culver Street, Lawrenceville, GA 30046.

3.

Defendant operates The Renaissance Atlanta Waverly Hotel & Convention Center
located at 2450 Galleria Parkway, Atlanta, GA 30339.

JURISDICTION AND VENUE

4.

Jurisdiction and venue are proper with this Court.

COUNT I: NEGLIGENCE PER SE FOR HAVING A HAZARD ON THE PROPERTY

5.

Plaintiff re-alleges and incorporates by reference all statements set forth in Paragraphs 1 through 4 as if fully set forth herein.

6.

O.C.G.A. § 51-3-1 states “Where an owner or occupier of land, by express or implied invitation, induces or leads others to come upon his premises for any lawful purpose, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe.”

7.

Plaintiff was, at the time of her injuries which give rise to this Complaint, a patron and guest of the Renaissance Atlanta Waverly Hotel & Convention Center located at 2450 Galleria Parkway, Atlanta, GA 30339.

8.

On or about October 11, 2020, Ms. Barton was attempting to enter the jacuzzi located in the indoor pool area. The jets were running. Ms. Barton stepped into an indentation on the second step below the jets causing her to lose balance and twist into the water. This twisting caused painful injuries to Ms. Barton’s knee and ankle.

9.

The indentation in the Jacuzzi's step created an unknown hazard to invitees. The condition of the jacuzzi was outside of ordinary care in keeping the premises safe.

10.

Defendant has the continuing duty to ensure the safety of patrons while on the premises as an invitee.

11.

Defendant knew or should have known the indentation below the water line created a hazard for guests. Defendant failed to remedy this hazard that led to Ms. Barton's injuries.

12.

Plaintiff in no way contributed to her injuries as she simply entered the jacuzzi as a reasonable person would.

13.

Plaintiff received medical treatment as a result of her injuries.

14.

Plaintiff asserts that her injuries were caused solely by the indentation in the jacuzzi and the negligence of the Defendant in the maintenance of its pool to allow the indentation to exist and create the hazard.

15.

As a result of twisting after stepping into the indentation in the jacuzzi, Plaintiff sustained serious injuries which required surgery.

16.

Defendant is liable to Plaintiff for injuries suffered as a result failure to exercise ordinary care in keeping the premises safe.

COUNT II: PREMISES LIABILITY

17.

Plaintiff re-alleges and incorporates by reference all statements and allegations set forth in Paragraphs 1 through 16 as if fully set forth herein.

18.

Defendant Marriott International Inc. is an international hotelier and the operator of The Renaissance Atlanta Waverly Hotel & Convention Center located at 2450 Galleria Parkway, Atlanta, GA 30339. Defendant is responsible for the safety of patrons while on property as an invited guest.

19.

On or about October 11, 2020, Plaintiff was an invitee of The Renaissance Atlanta Waverly Hotel & Convention Center located at 2450 Galleria Parkway, Atlanta, GA 30339.

20.

Defendants had a duty to meet the appropriate standard of care given Plaintiff's status as an invitee in maintaining its property and in ensuring that its premises and approaches were kept safe.

21.

Defendant also had a duty to inspect the premises to discover possible dangerous conditions and to take reasonable precautions to protect its invitees from dangers which are foreseeable.

22.

Defendants breached these duties when they failed to maintain the property in such a way as to allow an indentation below the water line of the jacuzzi and covered by the bubbles which caused Ms. Barton's injuries.

23.

As a result of the breach of the Defendant's duties, Plaintiff was injured.

24.

Defendant's breach of duties owed to Plaintiff as an invitee and negligent condition of the jacuzzi is the sole and proximate cause of Plaintiff's injuries.

25.

The fall caused by the hazard on Defendant's property caused physical bodily injury and psychological distress to Plaintiff.

26.

As a direct result of the fall, Plaintiff suffered injuries which required long-term care.

27.

Plaintiff suffered and may continue to suffer physical and mental pain as well as other economic and non-economic injuries, as a result of the negligence of Defendant.

28.

Plaintiff incurred and may continue to incur medical billings for past and future medical treatment.

29.

As a result of its Defendant's negligence, Defendant is responsible to Plaintiff for her injuries and are liable for all damages, economic and non-economic, sustained and suffered by Plaintiff, past, present and future.

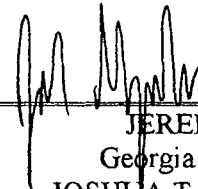
WHEREFORE, Plaintiff prays and demands as follows:

- I. That Summons issue and Defendant be served as provided by law;
- II. That Plaintiff recover from Defendant money damages to compensate her for her medical expenses, past, present, and future;
- III. That Plaintiff recover from Defendant money damages to compensate her for her pain and suffering, mental and physical, past, present, and future, in an amount to be determined by the enlightened conscious of the fact finder;
- IV. That Plaintiff recover from Defendant money damages to compensate her for her injuries which were caused by Defendant's negligence in an amount to be determined by the enlightened conscious of the fact finder;
- V. That Plaintiff recover for any missed work and/or lost wages in an amount to be determined by the enlightened conscious of the fact finder;
- VI. That Plaintiff recover from Defendant all costs of this action;
- VII. For a trial by jury; and,
- VIII. For such other and further relief as the Court deems just and proper.

This 10th day of March 2022

Respectfully submitted,

CITRON LAW GROUP

A handwritten signature in black ink, appearing to read 'Jeremy E. Citron', is written over a horizontal line.

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**STATE COURT OF COBB COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 22-A-842

\$198.00 COST PAID

Barton, Lisette

PLAINTIFF

VS.

Marriott International, Inc., DBA Renaissance
Atlanta Waverly Hotel & Convention Center

DEFENDANT

SUMMONS

TO: MARRIOTT INTERNATIONAL, INC.

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Josh Moynihan
The Citron Law Group
2300 Henderson Mill Road
Suite 300
Atlanta, Georgia 30345**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 11th day of March, 2022.

Clerk of State Court



Robin C. Bishop

Robin C. Bishop, Clerk of State Court
Cobb County, Georgia